

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WILLIE JONES, )  
                    )  
Plaintiff,       )                          8:05cv149  
                    )  
vs.                )                          MEMORANDUM AND ORDER  
                    )  
DOUGLAS COUNTY, et al., )  
                    )  
Defendants.       )

This matter is before the court on Filing No. 35, a letter written by the plaintiff, Willie Jones, which the Clerk of Court has docketed as a Motion to Reopen Case. Also before the court is Filing No. 36 (part 2) a motion by the plaintiff for appointment of counsel. However, as the court pointed out in Filing No. 34, a Memorandum and Order entered in June of 2006, judgment has been entered in this action dismissing the case for lack of exhaustion of administrative remedies. Exhaustion of remedies is a requirement under the Prison Litigation Reform Act ("PLRA") for cases brought by prisoners.

As judgment has been entered in this action, Filing Nos. 35 and 36 must be denied, and this case is closed. However, the dismissal of this case was without prejudice. Now that the plaintiff has been released from custody, he is entitled to file a new case on the same subject matter<sup>1</sup> as a nonprisoner, in which event, the PLRA and its requirement of exhaustion of administrative remedies no longer applies to him. If the plaintiff qualifies

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<sup>1</sup>The plaintiff alleged that corrections officers at the Douglas County Correctional Center ("DCCC") threatened and harassed him, used racially derogatory language, and endangered his safety by statements made in front of other inmates. Other than offering him protective custody, DCCC personnel did nothing to help the plaintiff, and the County failed to supervise, train or control the behavior of the guards at DCCC.

financially to proceed in forma pauperis ("IFP") as a nonprisoner, nonprisoners are excused entirely from payment of the filing fee once IFP status is granted.

Therefore, Filing Nos. 35 and 36 are denied.

IT IS SO ORDERED.

DATED this 17<sup>th</sup> day of January, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge